

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HOWARD DELACRUZ-BANCROFT,

Plaintiff,

vs.

Civ. No. 23-23 JB/KK

FIELD NATION, LLC, *et al.*,

Defendants.

ORDER DENYING REQUEST TO UPDATE DOCKETING STATEMENT

THIS MATTER is before the Court on Plaintiff's Request for Clerk to Update Federal Docketing Statement with Pleadings from State District Court to Include Plaintiff's Response to Defendant Spartan Computer Services/National Service Center SCS/NSC AKA New Bold's Motion to Dismiss (Doc. 24) ("Request"), filed April 11, 2023.

Pro se Plaintiff Howard DeLaCruz-Bancroft filed this lawsuit in state court on November 14, 2022. (Doc. 1-1 at 3.) On December 14, 2022, Defendant NewBold Corporation filed a Motion to Dismiss the Complaint. (Doc. 1-1 at 25-30.) Likewise, on December 20, 2022, Defendant Jack In The Box, Inc. filed a Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim. (Doc. 1-1 at 31.)

On January 9, 2023, Defendant Field Nation, LLC, removed the case to this Court, and also caused notice of the removal to be served on Plaintiff. (Doc. 1; Doc. 1-2 at 1, 3.)

In his Request, Plaintiff indicates that he filed "a MOTION TO STRIKE, CONSIDERATION FOR MOTION TO AMEND AS RESPONSE TO MOTION TO DISMISS AND OBJECTION FOR REMOVAL TO FEDERAL COURT and REQUEST FOR HEARING" in state court on January 11, 2023, two days *after* the case was removed to this Court. (Doc. 24 at

1.) He asks that the Clerk “update the federal docketing statement with pleadings from the state district court in this instant case to include Plaintiff’s response to Defendant SCS/NSC Spartan Computer Services, National Service Center aka New Bold’s Motion to Dismiss as part of the federal court record.” (*Id.* at 2.)

The Court will deny Plaintiff’s Request because “[g]enerally, documents filed in state court after removal are legal nullities” and “have no bearing on any part of the removed action.” *Alexander v. Kirkpatrick*, Civ. No. 19-509 JB/SMV, 2019 WL 4164882, at *2 (D.N.M. Sept. 3, 2019), *report and recommendation adopted*, 426 F. Supp. 3d 1005 (D.N.M. 2019). Nor has Plaintiff pointed to any authority to show why the general rule should not apply here. Plaintiff plainly received notice of removal of his case to this Court before he filed his January 11, 2023 pleadings in state court, and he has failed to offer any reason why he could not have filed those pleadings in this Court.

IT IS THEREFORE ORDERED that Plaintiff’s Request for Clerk to Update Federal Docketing Statement with Pleadings from State District Court to Include Plaintiff’s Response to Defendant Spartan Computer Services/National Service Center SCS/NSC AKA New Bold’s Motion to Dismiss (Doc. 24) is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE